

DEC 15 2005

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JUAN ANGEL TAPIA-ROJAS, aka Juan
Angel Tapia, Tobo Tapia, Cholo Juan
Tobo,

Defendant - Appellant.

No. 05-10047

D.C. No. CR-04-01080-JAT

MEMORANDUM^{*}

Appeal from the United States District Court
for the District of Arizona
James A. Teilborg, District Judge, Presiding

Submitted December 5, 2005^{**}

Before: GOODWIN, W. FLETCHER, and FISHER, Circuit Judges.

Juan Angel Tapia-Rojas appeals the 21-month sentence imposed following his guilty plea conviction for illegal reentry after deportation in violation of 8

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

U.S.C. § 1326(a), enhanced by 8 U.S.C. § 1326(b)(2). We have jurisdiction pursuant to 28 U.S.C. § 1291.

We dismiss in light of the valid appeal waiver. *See United States v. Nguyen*, 235 F.3d 1179, 1182 (9th Cir. 2000) (stating that an appeal waiver is valid when it is entered into knowingly and voluntarily); *see also United States v. Cortez-Arias*, 403 F.3d 1111, 1114 n.8, *amended by* 425 F.3d 547, 547-48 (9th Cir. 2005) (holding that “a favorable change in the law does not entitle a defendant to renege on a knowing and voluntary guilty plea”).

DISMISSED.